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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [AJ](#)
SUBJECT: AZERBAIJANI JOURNALIST'S COURT SAGA UNDERSCORES
BROADER DEMOCRATIC CONCERNS

REF: A. BAKU 00481
[1](#)B. BAKU 00336

Classified By: Charge d'Affaires Donald Lu for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: Embattled opposition Azadliq newspaper reporter Agil Khalil left Azerbaijan on July 24, flying to Paris after receiving assistance from the French Embassy. Khalil had sought to leave Azerbaijan on July 21, but poor GOAJ inter-ministerial communication and perhaps intervention from the security services appears to have hamstrung this attempt. Khalil's ability to leave the country hopefully is the final chapter in his long saga, which underscores long-standing concerns that Azerbaijan lacks an independent judiciary and pressure on the media continues. The incident also highlighted tensions between the Ministry of National Security and the Ministry of Internal Affairs. End Summary.

Free at Last

[1](#)2. (C) Azadliq editor Azer Ahmadov told us Khalil successfully boarded a flight from Baku to Paris on the morning of July 24. This followed Khalil's unsuccessful attempt to fly to Paris on the evening of July 21, when airport authorities refused to let him board the plane, claiming there was a pending arrest warrant against him. Poor GOAJ inter-ministerial communication, as well as inter-ministerial rivalries, appear to be the primary reasons behind the July 21 episode, as the Prosecutor General -- in response to the Embassy's request for an official clarification -- told the Embassy on the evening of July 23 that there had been a "mistake" at the airport and that Khalil was free to leave the country.

[1](#)3. (C) In a July 22 meeting, Khalil told the Embassy that his two bodyguards provided by the Ministry of Internal Affairs (MIA) got into a scuffle with the airport police and officials from the State Border Service (SBS) on July 21, when these authorities wanted to arrest Khalil. There were numerous phone calls made, involving the Prosecutor General and the SBS. Khalil suspects the Prosecutor General and the SBS may have been unofficially checking with Ministry of National Security (MNS) officials throughout the process to see if Khalil was free to go.

Disturbing Lessons Learned

[1](#)4. (C) Since Khalil was first attacked on February 22 while

covering a story related to alleged corruption involving a land deal in a Baku suburb, there have been three attacks against him and at least six lawsuits involving him, including a lawsuit he filed against several local television stations accusing them of slander and a lawsuit against his alleged February 22 assailants. Khalil accuses two MNS officers (Akif Chovdarov and Daghbayi Allaverdiyev) of attacking him on February 22 when he appeared at the Olive Grove to investigate a lead regarding a possible corrupt real estate deal. Khalil's saga illustrates well the broader issues of the judiciary's lack of independence, the internal rivalry within the security services in Azerbaijan, and the continuing pressure on the media.

Judiciary's Limited Autonomy

15. (C) Many in Azerbaijan maintain that government insiders and business figures largely control the judicial outcome of cases that significantly affect their political and economic interests. The mechanism for effecting a desired judicial outcome is a particular ministry or elite informally lobbying the Presidential Apparat, the judge, or the prosecutor general's office.

16. (C) Several points in the trial of Khalil's alleged assailant Sergey Strekhalin were remarkable for the lack of sophistication in even trying to hide the manner in which the proceedings were pre-cooked. (The GOAJ accused Strekhalin of stabbing Khalil on March 13 because of a homosexual lover's quarrel; Khalil denies knowing Strekhalin.) For example, Strekhalin's lawyer repeatedly refused to take advantage of

Khalil and Khalil's lawyer's testimony that Strekhalin was innocent. At one point, when Khalil's lawyer pointed out the absurdity of Strekhalin's lawyer not taking advantage of Khalil's contention that Strekhalin was innocent, Strekhalin's lawyer blurted out that he should mind his own business and that this was not his affair.

Internal Struggle Between Security Services

17. (C) The most widely held theory in Baku with respect to Khalil is that he was caught in the middle of a battle between the MNS and the MIA. Minister of National Security Mahmudov also told the Ambassador that the MIA may be manipulating the Khalil case to tar the MNS as part of a broader MIA-MNS rivalry. (Per ref a, Mahmudov told the Ambassador that Khalil and Azadliq newspaper were being used by the MIA to go after MNS employees who had broken up an MIA kidnapping and extortion ring.) Although relations among key GOAJ insiders are murky, Mahmudov's suggestion is a plausible partial explanation because there has been a long-standing bureaucratic feud between the MNS and MIA. It is possible that Khalil was unwittingly manipulated by the MIA as part of a broader negative publicity campaign against the MNS. The MIA provided two full-time bodyguards to protect Khalil -- a decision that surprised even Khalil, who told us that usually the MIA plays a lead role in harassing journalists, but the MIA's role was reversed in his case. The Embassy will never know the full degree to which the MIA may have manipulated Khalil, but we regard this as an important factor behind Khalil's difficulties.

18. (C) While the precise nature of MNS involvement in the February 22 beating remains murky, Khalil and his lawyer claim MNS officers were involved in trailing him, monitoring his phone calls, and giving "unofficial guidance" to other government entities dealing with Khalil. During the case against Strekhalin, one of the heated exchanges occurred over Khalil's contention that the MNS had sent fictitious text messages to or from Khalil's phone; the messages allegedly implied that Khalil was a homosexual. These alleged MNS activities suggest individual MNS officers were pressuring Khalil to abandon his attempt to bring his February 22 assailants to justice.

¶9. (C) The case also reflects the role the Azerbaijani security services can play in harassing journalists or perceived critics of the government through a variety of direct and indirect means. Like most post-Soviet states, the MNS is the crucial "power ministry" that plays a central role in detecting and disrupting real or perceived threats to the current government. Kompromat -- the widely-used Russian term for acquiring derogatory information on somebody that could be used as blackmail -- is a key driver in Azerbaijan's political economy, wedding elites in a complex interaction of distrust and collaboration. In what can be called a "culture of kompromat" -- where elite networks are trying to hide their dirt, while simultaneously trying to acquire dirt on friends and enemies alike -- investigative journalism touching on an elite's personal financial interests quickly crosses a redline. Elites also can use witting and unwitting journalists to advance their interests in the context of intra-elite rivalries.

¶10. (S/NF) Khalil's attempt to investigate allegations of a corrupt land deal apparently went too far. Khalil's claim that two MNS officers (Akif Chovdarov and Daghbayi Allaverdiyev) attacked him on February 22 also appear to have contributed to his difficulties. Per ref b, Daghbayi Allahverdiyev's brother, Natiq Allaverdiyev, has some unspecified ownership rights to the land, which Khalil was investigating when he was attacked. Per ref a, earlier GRPO reporting indicated that the Minister of National Security himself was aware that the two MNS employees had been involved in inappropriate activities. At the time, Mahmudov had told other MNS officers that he was furious his employees had engaged in this commercial activity and had ordered them to cease and desist immediately.

¶11. (C) The government's attempt to tar Khalil as a homosexual smacks of a Soviet-style trick. The Embassy believes the homosexual issue, which was covered on national media -- another tool in the Government's toolbox -- was a simple, but effective red herring to distract attention away from the issue of who attacked Khalil on February 22 and why. While Khalil sought to bring a lawsuit against his alleged assailants (Akif Chovdarov and Daghbayi Allaverdiyev) the Prosecutor General refused to open the case, saying that the alleged assailants merely helped Khalil after he fell down. Khalil brought a lawsuit against the Prosecutor General for not opening the case, but a district court ruled against Khalil.

Comment

¶12. (C) We will likely never really know whether the Khalil case was about media rights or about a commercial dispute or about the internal conflict amongst the security services. No matter what the actual case, the effect is the same. Journalists increasingly feel intimidated from writing hard-hitting, critical articles. At the same time, Azerbaijani media outlets continue to print sensationalistic, amateurish, and irresponsible stories about both the government and the opposition. In addition to the Embassy's advocacy on issues of free speech and media rights, it is also supporting the training of local journalists through the establishment of the U.S.-Azerbaijan Journalism Academy, support for independent media monitoring projects and similar programs aimed at raising the level of media ethics and professionalization.

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